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Land Tenures - Ryotwari Areas - report of the Spl. Officer for investigation of Land tenure systems - 6 Chapters I & II - Papers Recorded.

REPORT OF THE SPECIAL OFFICER ON LAND TENURES IN THE RYOTWARI AREAS OF THE MADRAS PROVINCE AUGUST 1947

CHAPTER I.

INTRODUCTION.

In G.O. R. No. 403, dated 22nd June 1946, I was deputed to investigate the Land Tenure Systems in the Province. There is already a Tenancy Act for Malabar district. Recommendations for amending some of the provisions of the Act were made by Kuttikrishna Menon Committee in 1940. A separate report for Malabar, with reference to the recommendations of the Committee, was submitted to the Government. The present report deals with the system of tenancy in the ryotwari areas of the other districts. Landlord and tenant system is the widely prevailing system of land-holding in the Province. In the course of the investigation, a few suggestions were received that the existing system of tenancy should be changed altogether, It is, therefore, necessary to deal with the different systems of land-holding with a view to consider whether any change in the present system is desirable under the existing circumstances. This will be taken up before dealing with the prevailing conditions of tenancy.

CHAPTER II.

MAIN SYSTEMS OF LAND TENURE.

1. There are three main modes of holding the land for cultivation. They are: (1) State landlordism; (2) Peasant proprietorship; and (3) Landlord and tenant system. The main characteristics of these three systems are stated briefly below :—

(1) *State landlordism.*

This is prevalent in Russia. Under this system the State is the sole proprietor and landlord of all available land. The lands are leased out directly to the actual cultivators. There are no middlemen or revenue farmers between the State and the actual farmers. Farming of land is carried on under three different types of enterprise. They are (1) 'State Farm'; (2) 'The individual enterprise' and (3) 'Collective farm.' The State farm is a State enterprise organized as its industrial enterprise. The land is cultivated for the benefit of the community at large. The administrative and technical personnel are salaried officers of the State. The State farms, however, occupy only a small proportion of the total cultivated area. Next come the individual undertakings. These too form only a small percentage of the cultivated area. They are, however, not entirely outside the control of the State. They are bound by their contract with the State as to the nature and quality of the crops that can be raised, the prices of such crops and so on. A fixed percentage of the produce is required to be surrendered to the State. Next come the collective farms known as the Kolkhozi." These are farmed by bringing together a number of peasant undertakings for being worked in common,

In these undertakings, there are three types. The first ("toy") is a type of co-operative cultivation for certain items of work, while other items are attended to by the individual peasants. For purposes of ploughing or harvesting, they work together. Under the second type, the land is regarded as the common property of all the individuals and all the members work together and share the produce according to the rules. The third type is the extreme form of socialism, where the production, distribution and consumption of the produce are regulated. The whole "commune" is an economic unit in which the produce is used for the advantage of the entire community. Of these three types, the third has been abandoned, and the second is the most common.

Agricultural system of Russia.—"The distinctive feature of the Russian Agriculture is that it is definitely planned by a Central authority. It is not left to the farmer's judgment of what is likely to be most profitable." The system does away with the individual independence and the initiative of the farmers and has overlooked the important fact that the human element is very essential for the success of agriculture. There is no incentive at all for good work by the farmers, who are merely "agricultural factory workers." The effect of this policy has not been beneficial for the production of agricultural produce. It is reported that there has been a decrease in production under this system. The system has thus not been an unqualified success.

2. *Proposal in Bengal.*—The present proposal is to introduce the system of State landlordism in that Province without in any way interfering with the initiative and the enterprise of the individual ryot. Under this proposal, the State is to be the sole landlord of all the lands in the Province. There will be only one set of ryots holding lands directly under the State and cultivating them directly. Subletting is prohibited, and transfer of lands to non-agriculturists is not permitted. The main advantages under this proposal are (1) It secures efficiency of cultivation by the creation of economic and compact blocks of lands. Since the State is the owner of all the lands, it can distribute them to the several persons in such a way as to facilitate the creation of such holdings. (2) There is no intermediary between the State and the actual peasant cultivator. The profits on land, after the payment of the share of the State which is reasonable go exclusively to the ryot cultivators. (3) Since the tenant is secure in his position, he can have an incentive for good cultivation without any fear of eviction or enhancement of rent.

(2) *Peasant proprietorship*

3. Under this system, land is owned and cultivated by the same person. There can be no doubt that this is an ideal method, both for efficiency of agriculture and for the economic position of the cultivator. The proprietor has the satisfaction of getting the full benefits of his labour without reference to the wishes of others. The magic of property has been described as capable of turning "sand into gold." The extent of land should, however, be sufficient for his requirements. Wealth is unevenly distributed. So also is land. The result is that most of the owners hold small extents of land. It is necessary that the land is more evenly distributed than at present so that the owner-cultivator can have a living out of his land. This necessity has been recognized in almost all countries. In all the Western countries, except Russia, the main objective of all the agrarian reforms was the creation of peasant farms large enough to support the family of the owner. Ireland stands out as the outstanding example of this reform. There we find the peasant proprietors in the place of the old type of landlords holding lands cultivated by tenants.

The people had to pay very heavy price and had to suffer for a long time before they achieved their purpose. In countries predominantly industrial or commercial, the process of bringing about small cultivating proprietors was mainly by land settlement schemes. Wherever possible, land was acquired by the State and allotted to the cultivators. In some cases, owners of large extents of land were encouraged to sell portions of their lands to the actual cultivators on an instalment basis. But in countries predominantly agricultural more radical measures were adopted by the State. In such countries, ex-propriation of big estates was resorted to. Lands were compulsorily purchased from big estates and public institutions and were later on parcelled out to petty cultivators. Lands at the disposal of the State which required reclamation were allotted to such peasants. In a few countries, such lands were let on lease in the first instance and later on assigned to landless people. In almost all these countries, the State tried its best to bring about better distribution of land and to maintain the efficiency of agriculture at a high

(3) *Landlord and tenant system.*

4. *Landlord's right to improve land and enhance rents—Scope for tenants to provide for expenditure when capital is not available from landlord.*— Under the landlord and tenant system, the land is owned by one set of people while it is farmed by another set for rent. The profits on land are enjoyed by both the landlord and the tenant. The tenant is required to contribute labour for the actual cultivation. He is responsible for attending in time to all the operations necessary for good cultivation. As regards the capital for all substantial improvements on the land, the landlord as the owner is required to contribute it. If the proprietor of the land does not take any interest in the improvement of the land, he does not justify his position. It has been said that whenever, in any country, the proprietor, generally speaking, ceases to be the improver, political economy has nothing to say in defence of landed property. In no sound theory of private property was it ever contemplated that the proprietor of the land should be a mere sinecurist quartered on it. The landlord's position in agricultural economy is thus one 'not of privilege,' but of 'utility.' For the capital spent, he should have the right to get enhanced rent where improvement has increased the yielding capacity of the land. If this right is not recognized there will be no incentive for the landlord to spend any amount on the improvement of the land. The result will be that there will be shortage of capital for the improvement of agriculture. For the successful development of agriculture, capital is necessary. At present the lands in the Province are under-capitalized. So, there should be every encouragement to the landlord in this matter. The Liberal Landlord Committee in England pressed the need for this right as follows: "To the free working of the landlord-tenant system, the landlord's right to raise the rent is essential. Refusal of that right removes his one economic incentive to improve his land." This principle has been recognized in the Tenancy Acts. The United Provinces Tenancy Act of 1939 follows the Oudh Rent Act of 1886, as regards the right of a landlord to claim enhancement on account of an improvement effected by or at the expense of landlords. Section 117 (c) of the United Provinces Tenancy Act of 1939. Similarly, section 33 (1) of the Bihar Tenancy Act has recognized the right of the landlord to claim enhanced rent on the ground of improvement. Similar provisions are found to exist in the Tenancy Acts of other provinces also; (1) section 56 (Central Provinces Tenancy Act), (2) section 62 (Punjab Tenancy Act), (3) section 23 Assam Tenancy Act), (4) section 48 (Sylhet Tenancy Act). If, however, the landlord is unable to contribute capital for the purpose, the tenant should

be enabled by the conditions of the tenancy to provide the necessary expenditure. The tenant should hold the land with sufficient safeguard for getting the benefit of the capital invested by him on it. There should be no possibility of the landlord trying to increase the rent after the expiry of the lease.

Landlord's right to eject inefficient tenant.—If the tenant who is the working partner proves inefficient in his work, the landlord has the right to eject him from the land. It is the essence of the landlord-tenant system that the inefficient tenant can be weeded out.

5. *Landlord-tenant system.*—This system is found to exist in several countries. In a country where the lands are not evenly distributed, owners of large extents of land and also the owners of small extents find it necessary to resort to this system. The former class of people who cannot manage to cultivate all their lands find it more advantageous to lease out some portion of their lands to others. Similarly, persons who have not got sufficient extents of land to keep them and their cattle engaged fully, find it necessary to take the lands of others on lease. To such persons, renting other's lands is a subsidiary occupation. Thus they get fully employed on agriculture. Similarly, where lands are fertile, a family of efficient small farmers may, in the course of a few generations, get sufficient profits from land as to enable them to purchase more lands in course of time. When they find themselves in possession of large extents, they let out their surplus lands on lease.

Landlord and tenant not separate classes.—The landlord and the tenant do not form distinct and separate classes. The same person is often both a landlord and a tenant. It is not that the tenant is always poorer or placed in a worse position than the landlord. There are tenants who are rich and who cultivate large extents of their own land as well as those of others.

6. *Systems of tenancy.*—There are two main types of tenancy. Under the first type, the landlord lets out the land for payment on a fixed rent either in grain or in cash or in both. In the second type, the land is let on a sharing system. Both the landlord and the tenant share the profits and the risk of cultivation. Each gets a definite share of the actual produce. Under this type, there are several forms. In some cases, the landlord does not supply any capital towards the cost of cultivation. He is in the same position as the landlord leasing out the land on fixed rent with the difference that he gets a fixed share, in the produce instead of a fixed quantity of grain or cash or both. But generally, the landlord supplies capital wholly or in part. Under this system, the landlord takes interest in actual supervision of the agricultural operations and in guiding the tenant from time to time.

7. *Relative merits of the two types.*—The tenant under a fixed rent enjoys a complete freedom of action in regard to the agricultural operations. There is an incentive for efficient cultivation since the whole of the surplus of the crop after paying off the rent is his. In the increased profits secured by his exertions, the landlord cannot claim any share.

Waram system.—In regard to the waram system, there is a difference of opinion about its effect on the efficiency of cultivation. The majority of the Bengal Land Revenue Reform Committee were of opinion that this system of cultivation was neither economic nor in the interest of the community as a whole. Some of the Western writers have criticized this type of tenancy on the ground that it leads to diminished output—"while the loss by a bad season is lessened, the tenant has to share the grain of a good season. The incentive to exertion being thus reduced, the tendency is to diminish output." Professor Marshall has observed that the tenant undertaking to pay half the share or the produce "will only apply so much capital and labour as will

him returns more than twice enough to repay himself." Thus it is felt the land may not be intensively cultivated by a tenant under such instances. A contrary opinion is expressed by some other writers. system is, however, popular in America, Australia and in some of the ern countries of Europe and in several provinces of India.

On merits, there can be no doubt that the fixed rent system is more ive to efficient cultivation than waram tenure. In the Tenancy Acts, pts have, therefore, been made to replace the waram system wherever le. Bengal Act IV of 1928 (Tenancy Amendment Act) excludes persons g lands under the sharing system from the category of tenants. Under ombay Tenancy Act, a waramdar is a tenant as defined in section 2. A provision has been made under which the Government may, by a notifi- in the gazette, declare that the crop share shall be commuted into cash hat the rent shall be payable later on only on that basis (section 15-A). ndicates the preference of the system of fixed rentals, and shows that the n of sharing crop has been allowed to continue, since the present condi- are not favourable for the introduction of the other systems. Recently 45), the Tenancy Legislation Committee of Sindh recognized that, h the 'batai' (waram) system was not altogether desirable, it could replaced by the system of fixed rents in view of the then existing condi- of the tenants. So they agree to the continuance of the 'batai' , while recommending that cash rents should be encouraged wherever le.

Local conditions determining the system of tenancy in each tract.—What- ay be the comparative merits of the two systems, Local conditions ine the system of tenancy in each tract. The system of fixed rents rive only when the tenant is not poor or ignorant. The tenant should e to bear the full burden of responsibility in cultivation. He should ecessary capital and sufficient initiative in good farming. Where, er, these conditions are wanting, the system will not be successful. t is that the landlord supplies the tenant with the necessary capital and the produce of the crop in some fixed proportion according to the t of capital contributed. Where the tenants are poor and ignorant stem has taken its root. The landlord supplies necessary capital and es careful supervision over the agricultural operations. Left to them- several tenants may not cope with the work.

Main lines of reform in other countries.—The main lines of reform system of tenure undertaken in other countries are stated below briefly. hough most of the Western countries directed their main attention creation of independent economic holdings, they did not lose sight of ationship between the landlord and the tenant. In countries where stem was popular, the State undertook reforms to bring about better ship between the parties. In some of them, the State's interference minal and restricted to what was absolutely necessary; while in others, changes were brought about. The reform in England comes under the category. Efficiency and freedom of contract were the guiding les. The items of reforms were directed to (1) freedom from arbitrary n of tenants; (2) the payment of compensation to the tenants for the ements effected by them; and (3) security from high rent. The atures of the system in England are:—(1) explicit written leases for ly long terms of occupancy; (2) provision for settling the disputes n the landlord and the tenant by arbitration, without reference to urts; (3) payment of compensation for improvements effected by

the tenants ; (4) payment of compensation to the tenants when they are unreasonably evicted ; and (5) the right of the tenant to quit the farm , terminate the lease and claim compensation, when the landlord refuses to determine by arbitration the amount of the rent to be paid by him. This right prevents the landlord from increasing the rent unnecessarily. In some of the small countries of the Western Europe, the position of the tenants was made secure against arbitrary evictions by the landlords. The main provisions in the United States of America are more or less similar to those prevailing in England.

11. *Land tenure system in China.*—In China, conditions are very similar to those prevailing in this Province. In 1926, an attempt was made to regulate the rents payable by the tenants. The maximum rent which was then 50 per cent of the main harvest was proposed to be reduced by 25 per cent. But this attempt was not successful. Subsequently, the Government laid down the following principles for the reform of the Tenancy Law ; (1) The minimum area of land of each owner-cultivator family should be fixed. (2) Restrictions should be placed on the disposal of such properties and the maximum rent which could be raised on such lands was to be fixed. (3) The maximum rental should be eight per cent of the value of the land, payable in kind. (4) A tenant who was in continuous occupation of a land for five years is entitled to apply for the acquisi ion of such land for himself, if the landlord was, without sufficient reasons ; and absentee. But it was found difficult to introduce reforms on these principles. So the State decided to reduce the rent by 25 per cent and to afford financial assistance to the tenants by the grant of advances from the State Banks when required for the purchase of lands cultivated by them. In Japan, the disputes between the landlord and the tenant are decided by local Land Tribunals. In 1924, the Conciliation of Tenancy Dispute Act was enacted which aimed at the settlement of such disputes by tribunals.

12. *General effect of cultivation under the different systems.*—There is no doubt that the owner-cultivation is the best in point of production whether it is attended to personally or with the aid of permanent farm-servants. It produces the best results if the owner is not poor and takes interest in cultivation. But, if sufficient interest is not taken by him or if there is no adequate supervision over the actual labourers, the result is not satisfactory. Though cultivation on lease is not generally considered as satisfactory as owner-cultivation, it produces good results when the tenant is efficient, well-to-do and holds the land on a long lease. It is, therefore, clear that the efficiency of cultivation depends, to a great extent , on the person in charge of the cultivation, whether he is the owner or the tenant. Where the person in charge of the cultivation is the tenant, the conditions of tenancy should be such as to afford sufficient opportunities for efficient cultivation. There should be adequate safeguards to protect his interest.

2. *Present conditions of the cultivators in the Province.*—The Province is a
l of small holdings. Only a very small percentage of the pattadars have
e extents of lands. The cultivators are generally poor, uneducated,
rant and not properly organized. Many of them are even unable to meet
cost of cultivation without help from others. Advances to the cultivators
the purchase of cattle and for cultivation expenses are not at all uncommon.
temperament, they are very reluctant to give up the old traditional
hods of cultivation. They are unable to take risks in trying new methods.
One of the recent writers has observed :

" The ownership of land and the nature of rights and obligations as
ween the members of the rural community arising as a consequence of the
ization of land are, in all countries, the product of a long evolution deter-
ed by the geographical, economic, social and political conditions and
umstances of the community in question."

The prevailing land tenure system is the result of slow evolution due to
ural and economic causes operating in the particular tract. Any violent
nge in the system, offending against the peculiar features of the tract,
not be successful. Attempts to evade the change will not be wanting.
; therefore, desirable to take into full account the existing conditions which
e a bearing on the question.

3. *Change on the model of State landlordism will not do in this Province.*—
e first system (State landlordism) is not likely to prove successful to this
vince at the present moment. The existing conditions of the cultivating
sses are not favourable for the introduction of this system at present.
e cultivating classes here are not sufficiently educated and advanced to
e up the responsibility of the direct tenancy under the State. At every
ge, several of them require financial help and technical advice for better
ivation. The middle-class landlords, who have the age-long tradition
ind them, supply capital and technical advice to the tenants at present.
riculture will suffer if left in charge of persons who are not sufficiently
lipped for it. The Bengal Famine Commission have referred to the opinion
ressed before it by one of the former Directors of Agriculture of the United
vinces and this opinion is that one of the causes for the low state of agri-
ture was " the ownership of what would be productive land by inferior
tivating classes." Good lands require proper attention. The State
nagement through a host of the subodinates will not be able to cope with
s work satisfactorilty and in time.

4. *Peasant proprietorship is suited to this Province.*—The second system,
., the peasant proprietorship is really an ideal one. There is already a large
nber of peasant proprietors. But most of the holdings of such persons
uneconomic. It is necessary that the number of economic holdings
ncreased. This can be done by an equitable distribution of land, for all
sons in two ways : (1) land settlement and (2) expropriation of the land
d in excess of the owner's requirements. It is not desirable to resort
olesale to the latter method until the general level of the cultivating classes
raised, both in their economic condition and their mental outlook. At
esent the existence of large holdings does serve some useful purpose in the
rricultural economy. It is only the owners of large extents of land who
nerally undertake up-to-date scientific methods of agriculture. Some of
em take keen interest. Their farms are the models for smaller pattadars.
griculture will improve if such farms are increased in large numbers.

5. *Suggestions for the increase of peasant proprietors.*—In regard to the first method (land settlement) the following suggestions are made. All available waste lands at the disposal of the State should be assigned only to the landless people or to those now owning small extends. All facilities should be afforded to them for bringing such lands under satisfactory cultivation. It cannot be denied that at present waste lands at the disposal of the State are mostly not easily cultivable, or are situated in unhealthy localities. These waste lands can only be brought under cultivation after considerable expenditure. So, unless proper facilities are given to poor people for bringing the lands under cultivation, they are not likely to be benefited. In the East Coast districts, there are considerable stretches of waste lands on the coastal strips mostly saline in nature. In a few cases in East and West Godavari districts, proposals for reclaiming them have been taken up by the Government. In Chingleput district, within about seven miles from Madras, there is a vast expense of saline land liable to be affected by the surplus water of the Buckingham canal. Attempts made in the past to dispose of such lands proved unsuccessful in the end. There are similar stretches in other districts also. On similar lands in Tanjore and Tirunelveli deistricts, there is wild growth of 'Odai' trees which are used as fuel. Recently in Bombay, the Government have proposed to launch a scheme for reclamation of the salt land on the coast line of the Province. The plan is to constitute a central authority assisted by engineers and experts. Similar experiments should be tried here at least in a few districts. In unhealthy tracts, large areas are available for cultivation. But the population is sparse and sickly. Their chronic ill-health due to malaria saps their energy and enthusiasm. If malaria is controlled, it may be possible to persuade people to settle down in such areas for cultivation. There is scope for increase in the area under cultivation in this way.

6. *Allotments of State lands and acquisition of private holdings when improved under irrigation projects.*—When Government execute large irrigation projects, considerable areas at the disposal of the State and private holdings are benefited. The former can be allotted to the poor people. In the case of private holdings, the landholders should be required to give portions of their lands to the State for allotment to landless people. Reasonable compention may be paid to such landowners. There is no reason why they should not part with a portion of their lands when they get considerable benefit to their remaining lands. Similarly when second-crop area is increased as a result of irrigation project, similar purchase of lands can be resorted to.

7. While measures are taken to increase the number of economic holdings by the assignment of waste and reclaimed lands, steps should also be taken to see that the existing small holdings do not pass from the hands of their present owners. At present the small pattadars are often forced to part with their lands for discharging their debts. If their economic position is improved and if financial aid is made available to them at reasonable rates of interest when necessary, they can save their holdings from sale. This matter is dealt with in detail in paragraphs 7 and 15 of Chapter V. Further there are several people who purchase lands by getting loans. In Mr. Sathianadhan's investigation in 1933, it was disclosed that 10 per cent of the debts of the ordinary ryots were for the purchase of lands. Several of the people who purchase lands after getting loans often lose their lands later on owing to their inability to repay the loan and the high rate of interest. If financial assistance is given to them at cheap rates of interest, there will be an impetus to the small ryots for the purchase of lands. By these indirect ways, the number of peasant farmers may be increased.

Landlord and tenant system is also suited.—The landlord and tenant system is the most common system already prevalent in the Province. The land is unevenly distributed. The persons who possess large holdings and those who own small extends of land feel the need for this system. The former are unable to cultivate all their lands properly while the latter do not possess sufficient extends of land to keep them and their cattle fully employed. Fertile tracts yield good profits to the cultivator. After a few generations, efficient families acquire more lands as a result of their labour and then they revert to the easy-going life of the landlord living on the rent from the land.

For the efficient cultivation of land and for the better production of the crops, it is necessary that persons with capital, education and earnestness are made to interest themselves in agriculture in a more marked measure. The existing type of the cultivating classes is not up to that standarad. There is, therefore, the need for the continuance of the landlord and tenant system.

8. *Summary.*—From a comparative study of the merits of the different systems, there can be no doubt that the system of peasant proprietorship is the ideal to be aimed at. But the first requisite for the success of this scheme is the capacity of the cultivating owner. In agriclture, as in every other industry, personal element is an important factor. The general standarad of the ryots should be improved. Further, the Province is heavily in deficit in food-crops. The increased production of food-crops should be the most important objective. The general principle in all tenancy laws is that where the interests of the farmers and of the farm are conflicting, the interests of the farmer should be subordinated to those of the farm. The interests of better production will now be best served by improving the existing systems. The following suggestions would, if adopted, go a great way in meeting the present conditions :—

(1) the existing conditions of the small peasant proprietors should be improved by affording facilities for cheap credit for meeting their expendture. Similar facilities may be afforded whenever required for the purchase of lands by landless people or those with small holdings ;

(2) wherever possible, State lands should be allotted to such persons ;

(3) the conditions of tenancy should be improved by ensuring fair rent and freedom from arbitrary eviction; and

(4) the proper working of the landlord-tenant system by both the parties should be ensured by taking steps to see that neither party exploits the other.

At the same time, it is necessary to take vigorous steps for the improvement of agriculture and for making it much more paying than at present. Where production is increased, the shares to the landlord, tenant and agricultural labourers will be adequate.

CHAPTER IV.

THE SCOPE OF THE PRESENT ENQUIRY.

9. The scope of the present enquiry is to find out whether the rents paid by the tenants to the landlords are fair and reasonable and whether the tenants are free from vexatious and arbitrary evictions. For ascertaining the burden of rent, it is necessary to know the respective shares of the landlord and the tenant and the approximate cost of cultivation. In regard to the security

from eviction, the duration of the leases is relevant. For a proper und standing of the problem, the consideration of some more matters also (no below) is relevant :—

(1) the extent to which the system of hiring of land prevails; the percentage of owner-cultivators as against the tenant-cultivators,

(2) the size of the holdings,

(3) the nature of transfers of holings ; whether the lands pass fr agriculturists to non-agriculturists or *vice versa* or whether the holdings of richer landlords are getting increased at the sacifice of small holdings.

(4) opportunities for the non-cultivating pattadars to bestow th attention on cultivation, and

(5) the nature of the crops cultivated and any tendency to change it.

2. *Investigation made in nine representative districts in the Province.* For detailed investigation of these aspects of the problem, nine distri noted below were selected : (1) Visakhaptnam, (2) East Godavari, (3) Ch gleput, (4) Tanjore, (5) Tirunelveli, (6) North Arcot, (7) Coimbatore, (8) Bella and (9) South Kanara. Each of these districts is fairly representative of t main tracts into which the Province may be divided. The special staff of o Tahsildar and three Revenue Inspectors for each district took up the wo in August 1946 and completed it by the end of March 1947. Particula of registered leases in 1938 and 1945 were taken from the Sub-Registra offices. A fairly large number of villages in each taluk of the districts we visisted and local enquiries were made about the conditions of the tenar in respect of a fairly large number of typical cases. The amount of rent, t gross yield, the cost of cultivation, the duration of leases and the speci conditions of the leases, if any, were investigated. This was the main item work. Information on other matters which had a bearing on the tenan question was also collected. Village surveys with statistics of rual economi in regard to agricultural classes, cultivation and transfer of lands, were co ducted. A copy of the form relating to the village surveys so conducted appended at the end of this chapter. But this work did not receive adequa attention as some of the staff was not equal to the task and as there was time to devote to this work also. The statistics of suits in the civil cour were also collected to find out how far the eviction of tenants was resorte to through civil courts. The opinion of non-nofficials was elicited by issui questionnaires on tenancy problem. A sample form of the questionnai and the statement of suits filed for ejectment of tenants are appended at t end of this chapter. The response, however, was not very encouragin Replies from only 475 gentlemen were received. After investigation in tw typical villages, the Revenue Divisional Officers were reqested to send gene reports on the question.

3. *Collection of statistics of leases.*—The collection of statistics of lea was the most important item of work. To find out the respective shares of t landlord and the tenant, information relating to the gross outturn, the rent and the cost of cultivation, were necessary. Of these particulars, rent on the lands could be easily ascertained. Even in this regard, there was t possibility that a portion of it was not being paid actually. There we instances where the rentals were stipulated at a higher amount than wh was actually paid. Such cases have been avoided. Thus the rentals report are generally correct. It is rather difficult to ascertain the gross produ in the land. The yiled varies from field to field due to the individual attenti of the cultivator and also to seasonal conditions. The special staff we

structed to ascertain the yield as carefully as possible and then check it ith the records wherever possible. The cost of cultivation was worked it in detail for each item of expenditure. The information as to the number men or women employed for the cultivation of an acre as the unit and e number of ploughs required was called for, to check up the cost. The rticulars of the tenant's share as collected were tabulated in abstracts of ses under different classes of lands such as wet single crop with wells, with ain rentals, with cash rentals or with both. Similarly, for other classes of nds particulars were collected and tabulated. These abstracts were pre- red for each village and then for each taluk and lastly for each district. e abstracts for the nine districts are appended (Appendix I). The con- lidated abstracts of the districts relate to figures of cultivation of commercial ops also. So from these abstracts, such cases were excluded and separate stracts in respect of paddy lands alone, and those for commercial crops, re prepared.

4. *Results of investigation verified with records.*—Every possible effort to cure correct data was made. The gross outturn reported by the special ff was checked with the reports of non-officials and also with the old records, ch as the district manuals, scheme reports, the crop-cutting experiments d the reports from the Provincial Marketing Officer and the other officers the Agricultural Department. Every possible source of information was ed. Similarly the cost of cultivation was checked with the records and the information furnished by non-officials.

5. *Duration of leases.*—The duration of the tenancy has been worked out a tabular form, according to the number of years for which the leases were nted—Vide paragraph 25 of Chapter VI.

6. For the proper understanding of the tenancy problem, it will be helpful have a general idea of the important features of the districts concerned, ch as the nature of the soil, irrigation cources, rainfall, seasons, etc. All se general particulars for each district have been embodied in brief reports ich are appended (Appendix II).

QUESTIONNAIRE FOR VILLAGE SURVEYS BY THE SPECIAL STAFF.

pulation—

1. Total population of the village.

d—

1. Total area.
2. Area of wet lands
3. Area of dry lands
4. Irrigation sources capacity.
5. Area of dry lands irrigated by wells.
6. Number of wells.

upation of land—

1. Area cultivated by the pattadars.
2. Area sublet and cultivated by tenants.
3. Number of cultivating pattadars.
4. Number of non-cultivating pattadars and their re-pective upations.

5. Number of tenants who have no patta land.

6. Agricultural workers who neither own nor rent land.

7. Give a similar account of the sizes of the holdings of cultivating ryots, whether these hold patta lands, or hire lands from pattadars.

8. Rents in money or kind. Give an account of the agreements usual between pattadar and tenant and the amount of the rents paid for different classes of land.

Note.—(1) Under (8) give as full information as possible both about the sorts of agreements that are concluded between the pattadar and the tenant, and also the amount of the rents, and what extras such as straw, vegetables, etc., are paid in addition to grain or cash rents. If landlord and tenant share the produce, explain how the kist and costs of cultivation are shared and whether the tenant has all the straw ; and endeavour to calculate the actual value of the share of produce obtained by either party.

(2) Is there any difficulty in getting tenants ? Period of tenancy in general. Renewals of leases. Advances by landlords for buying seeds, manures, etc., and the terms on which they are given. Effects of tenancy systems on cultivation of land obviously traceable.

(3) Is the share now secured to the tenant, fair and reasonable ? What is the margin of profit or loss left to him, after meeting the cost of cultivation and the charge on supervision ? During years of total or partial failure of crops, is any remission in the rent allowed by the landlord to the tenant ?

If no remission is allowed in such cases, how does the tenant manage to pay the rent ? Is it by contracting debts or selling any of his properties? Is the rent allowed to accumulate and to be in arrears ?

Are suits filed in the Civil Courts for recovery of arrears of rent or for evicting them ?

(4) If the existing rent is not reasonable, is it not necessary to have the fair rent fixed and this by legislation ?

(5) *Fixing of "fair rent".*—Is the "fair rent" to be fixed with reference to the existing land assessment on the land or with reference to the produce on the land ?

If it is to be the former, in what proportion should it be fixed for (1) wet lands (cultivating food crops) ; (2) ordinary dry lands ; (3) money or commercial crops such as sugarcane, plantain, turmeric, cotton, groundnut, etc.?

If it is to be the latter, whether the rent has to be fixed with reference to the gross produce or net produce ? And at what proportion should it be fixed.

(6) Are there frequent changes in the tenants ? Is eviction of tenants common ? If so, is it not necessary to secure fixity of tenure by legis-

BOARD'S REMARKS

In chapter IV, the Special Officer has briefly explained the scope of his enquiry which is to find out whether the rents paid by the tenants to the landlords are fair and reasonable and whether the tenants are free from vexations and arbitrary evictions.

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To A.S.:

Revenue Department. (L)

An extract from the Board's remarks on the S.O's report which have since been redeived has been inserted at X above ~~an p 2 ante.~~

2. No action is called for. (It appears unnecessary to circulate this).

ID. V.S. I.D. P.S.V.
J.S.

To A.S.

It appears unnecessary to keep open this file. The papers may be lodged and added to the notes on the other

14

chapters. of the file.- (All these notes must go to some permanent record.)

(True Copy)

Superintendent,
Madras Record Office.

/C.No;3022 L/47_/ Revenue Department

LAND TENURES - Report of the Special Officer for Investigation of Land Tenure Systems.

To A.S

The election manifesto of the Congress contained the following statement on the question of reform of land tenures:-

> "The reform of the land system, which is so urgently needed in India, involves, the removal of intermediaries between the peasant and the State. The rights of such intermediaries should therefore be acquired on payment of equitable compensation. While individualist farming or peasant proprietorship should continue, progressive agriculture as well as the creation of new social values and incentives require some system of co-operative farming suited Indian conditions. Any such change can, whoever, be made only with the goodwill and agreement of the peasantry concerned. It is desirable, therefore, that ~~state-help-in~~ experimental co-operative farms should be organised with State help in various parts of India. There should also be large state farms for demonstrative and experimental purposes"

So far as this Province is concered, there are at present no major legislative enactments governing land tenures except the Madras Estates Land Act, 1908, which applies to estates as defined in that Act, and the Malabar Tenancy Act, 1929, which applies to the district of Malabar. The question of abolishing the zamindaris is under the active consideration of the Government. The question of amending the Malabar Tenancy Act so as to secure a more equitable adjustment of the rights inter se of tenants and landlords is also engaging the Government's attention. Pending legislation on these items temporary protection has been given to tenants in Malabar and ryots in estates governed by the Madras Estates Land Act and tenants of private lands in such estates, from eviction and sale of their holdings, by passing the Madras Tenants and Ryots Protection Act, 1946

2. In regard to tenants in other areas, it is the intention of the Government to undertake legislation to regulate the relationship between the ryotwari landholders and tyots in estates, etc., and their tenants. In G.O.No.Ms.1164 Revenue, dated 31-5-1946 the Government sanctioned the appointment of a Special Officer of the grade of a Collector to investigate the subject of land tenures in the province and to make recommendations regarding the reforms to be introduced. For the points which the Special Officer was specifically required to examine - please see pages 2 and 4-6 of the G.O. The Special Officer has submitted his report and it is under examination. The Board of Revenue has not yet submitted its remarks on the report.

3. This file deals with Chapters I and II ofthe report. An extract of the Chapters is in the C.F.

4. No remarks are called for as regards Chapter I ~~which is~~ which is purely introductory In Chapter II, the Special Officer describes three main systems of land tenures viz., (1) State landlordism which is prevalent in Russia, (2) peasant-proprietorship which is prevalent in certain Western countries (particularly Ireland) except Russia and to some extent in India, and (3) the landlord and tenant system which is prevailing in many parts of India and other countries. The landlord and tenant system being the main system in this Province, the Special Officer has dealt with it in greater detail. There are two main types under this system. Under the first type, land is let out by the landlord on a fixed rent payable in cash or kind or in both. Under

the other type, land is let out on an agrement to share the produce in fixed proportions by the landlord and the tenant. Generally the landlord supplies the capital necessary to the tenant holding under this system. On merits the first type i.e., the fixed rent type is considered to be the better of the two as the tenant enjoys freedom of action in regard to agricultural operations, which in turn acts as an incentive to efficient cultivation. Attempts have been made to remedy the evils inherent in the landlord and tenant system in certain countries in which it is in force. Reform of the system was directed to secure freedom from arbitrary eviction of tenants, compensation for improvements effected by them and security from liability to pay high rent.

5. The Special Officer concludes this Chapter (Chapter II) by referring to the comparative merits of the different systems. He points out that the peasant proprietorship is the best from the point of view of production, provided that the land owner is not poor and takes real interest in cultivation. Under the landlord and tenant system cultivation will thrive only if the tenant is effcient, well to do and holds the land on a long lease. The Special Officer stresses the importance of the person in charge of cultivation and conducts the conditions of tenancy should be such as to afford sufficient protection to the tenant's interests. No action is called for in this file.

6. The Board of Revenue has not yet submitted its remarks on the report of the Special Officer. It is for orders whether the Board's remarks should be awaited before proceeding with the examination of the report.

sd. 22-12-47

There is nothing of importance in chapters I & II of the Special Officer's Report.

Regarding A above it is submitted that the Government have already recognised the need for improvement of the condition of the actual cultivator and it is on that account that they have undertaken the tenancy reform in ryotwari areas.

The Board's remarks may be awaited.

sd. . . . .
25-12-47

To Assistant Secretary.

The remarks of the Board of Revenue on the report of the Special Officer have been since received. The Board has not offered any specific remarks as these chapters. No action is called for in this file

For orders whether this will be circulated to HonIble Minister(L.R.) for information.

sd. . . . . .
H.M.(L.R.)7-2-48

xx xx xx

Revenue Department

Please see the note at p.13+14 cf. It is unnecessary to keep open this file. The papers may be lodged.

No Record this

G.O.Ms.No.578 dated 15-3-1948

Recorded.

sd. . . . . .
13-3-1948

/True Copy/

Superintendent,
MADRAS RECORD OFFICE

GK.